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ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

CONTENTS*

Item		Paragraphs	Page
1.	Election of officers	1	6
2.	Adoption of the agenda	2 - 3	6
3.	Organization of the work of the session	4 - 14	6
4.	Question of the violation of human rights in the occupied Arab territories, including Palestine . . .	15 - 17	8

* This table of contents is based upon the draft provisional agenda for the fifty-fourth session as considered by the Commission at its fifty-third session (E/1997/23-E/CN.4/1997/150, chap. XXV), with the addition of the indicative sub-headings found in the text of the annotations for ease of reference.

GE.98-10027 (E)

CONTENTS (continued)

Item		Paragraphs	Page
5.	Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:	18 - 26	9
	(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development		
	(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms		
6.	Question of the realization of the right to development	27 - 31	11
7.	The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation	32 - 34	12
8.	Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:	35 - 53	12
	(a) Torture and other cruel, inhuman or degrading treatment or punishment	47 - 49	15
	(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment	50	15
	(c) Question of enforced or involuntary disappearances	51	16
	(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment .	52 - 53	16

CONTENTS (continued)

Item		Paragraphs	Page
9.	Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission .	54 - 75	16
	(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms	54 - 68	17
	(b) National institutions for the promotion and protection of human rights	69	19
	(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights	70 - 72	19
	(d) Human rights, mass exoduses and displaced persons	73 - 75	20
10.	Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including: . .	76 - 110	20
	(a) Question of human rights in Cyprus	101	26
	(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990	102 - 110	26
11.	Measures to improve the situation and ensure the human rights and dignity of all migrant workers . . .	111 - 115	28
12.	Racism, racial discrimination, xenophobia and related intolerance	116 - 121	28
13.	Status of the International Covenants on Human Rights	122 - 125	29
14.	Effective functioning of bodies established pursuant to United Nations human rights instruments	126 - 127	30

CONTENTS (continued)

Item		Paragraphs	Page
15.	Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session	128 - 138	31
16.	Rights of persons belonging to national or ethnic, religious and linguistic minorities	139 - 143	33
17.	Advisory services in the field of human rights	144 - 151	33
18.	Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief	152 - 156	35
19.	Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms	157 - 158	36
20.	Rights of the child, including:	159 - 173	36
	(a) Status of the Convention on the Rights of the Child	164	37
	(b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography	165 - 167	37
	(c) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography	168 - 170	38
	(d) Question of a draft optional protocol to the Convention on the Rights of the Child on the prevention of the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication	171 - 173	38
21.	Follow-up to the World Conference on Human Rights	174 - 177	39
22.	The question of conscientious objection to military service	178 - 179	39
23.	Indigenous issues	180 - 185	40
24.	Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities	186 - 191	41

CONTENTS (continued)

Item		Paragraphs	Page
25.	Draft provisional agenda for the fifty-fifth session of the Commission	192 - 193	42
26.	Report to the Economic and Social Council on the fifty-fourth session of the Commission	194	42
Annex:	List of thematic and country specific procedures of the Commission on Human Rights (prepared in accordance with Commission resolution 1997/37)		43

Item 1. Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session the Commission shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that "the Commission shall at the beginning of each session, after the election of its officers, ... adopt the agenda for that session on the basis of the provisional agenda".

3. The Commission will have before it the provisional agenda (E/CN.4/1998/1 and Corr.1) prepared by the Secretary-General in accordance with rule 5 of the rules of procedure, as well as the present annotations relating to the items included in the provisional agenda.

Item 3. Organization of the work of the session

4. At its fifty-third session, the Commission decided, in its decision 1997/123, to recommend to the Economic and Social Council that, in the light of the positive experience gained by rescheduling the dates of the fifty-second and fifty-third sessions, pursuant to the Council's decision 1994/297 of 29 July 1994, and bearing in mind Council decision 1995/296 of 25 July 1995, that the dates for the Commission's annual regular session be rescheduled to take place in March/April each year, instead of earlier in the year, and that, accordingly, the fifty-fourth session be rescheduled to take place from 16 March to 24 April 1998. The Economic and Social Council approved the recommendation in its decision 1997/291.

5. The attention of the Commission is drawn to the relevant resolutions concerning control and limitation of documentation (inter alia, General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50). Furthermore, the Commission at its past 14 sessions set time limits for statements (see E/1997/23-E/CN.4/1997/150, paras. 10-11). In view of the existing financial constraints and the overall reductions imposed, the session must be most carefully planned from the outset, bearing in mind the absolute need for maximum effectiveness in the use of the resources available.

6. The attention of the Commission is also drawn to Economic and Social Council decision 1997/290 of 22 July 1997, by which the Council, taking note of Commission on Human Rights decision 1997/119 of 16 April 1997, decided to authorize, if possible within existing financial resources, 40 fully serviced additional meetings, including summary records, in accordance with rules 29 and 31 of the rules of procedure of the functional commissions of the Economic and Social Council, for the Commission's fifty-fourth session. The Council approved the Commission's request to the Chairman of the Commission at its fifty-fourth session to make every effort to organize the work of the session within the times normally allotted, so that the authorized meetings would be utilized only if absolutely necessary.

7. In a statement on the organization of the work of the session made by the Chairman on 18 April 1997 agreed on by consensus by the members of the Commission, the Commission, inter alia, affirmed that, as far as possible, decisions should be made and resolutions adopted by the Commission without a vote. However, voting, in accordance with the rules of procedure, should take place when an agreement cannot be reached. The Commission will continue to keep this matter under review.

8. The attention of the Commission is also drawn to Economic and Social Council resolution 1990/48 of 25 May 1990 in which the Council authorized the Commission to meet exceptionally between its regular sessions, provided that a majority of States members of the Commission so agreed. In this connection, the Economic and Social Council adopted, on 28 July 1993, decision 1993/286 on the procedure for special sessions of the Commission on Human Rights.

Working groups

9. The session is preceded by meetings of the nine inter-sessional and pre-sessional working groups referred to in E/CN.4/1998/1 and Corr.1, paragraph 3 (a) to (i).

Composition of the Commission

10. The composition of the Commission for 1998 is the following. The term of membership of each State expires on 31 December of the year indicated in brackets.

Argentina (1999), Austria (1999), Bangladesh (2000), Belarus (1998), Bhutan (2000), Botswana (2000), Brazil (1998), Canada (2000), Cape Verde (1999), Chile (2000), China (1999), Congo (2000), Cuba (2000), Czech Republic (1999), Democratic Republic of the Congo (1999), Denmark (1998), Ecuador (1999), El Salvador (2000), France (1998), Germany (1999), Guatemala (2000), Guinea (1998), India (2000), Indonesia (1999), Ireland (1999), Italy (1999), Japan (1999), Luxembourg (2000), Madagascar (1998), Malaysia (1998), Mali (1998), Mexico (1998), Morocco (2000), Mozambique (1999), Nepal (2000), Pakistan (1998), Peru (2000), Philippines (2000), Poland (2000), Republic of Korea (1998), Russian Federation (2000), Rwanda (2000), Senegal (2000), South Africa (1999), Sri Lanka (2000), Sudan (2000), Tunisia (2000), Uganda (1998), Ukraine (1998), United Kingdom of Great Britain and Northern Ireland (2000), United States of America (1998), Uruguay (1999), Venezuela (2000).

Situation of human rights in Colombia

11. In the statement on the situation of human rights in Colombia, agreed on by consensus by the Commission, made by the Chairman on 16 April 1997, the Commission, inter alia, warmly welcomed the opening of the permanent office of the United Nations High Commissioner for Human Rights in Bogotá. It requested the High Commissioner to present a comprehensive analytical report to the Commission at its fifty-fourth session on the setting up of the office and its activities, and on developments in the human rights situation in Colombia

(see E/1997/23-E/CN.4/1997/150, para. 18). The Commission will have before it the report of the United Nations High Commissioner for Human Rights (E/CN.4/1998/16).

Draft decision E/CN.4/1997/L.105, entitled "Restructuring and revitalization of the Commission on Human Rights"

12. In its decision 1997/126, the Commission decided to defer consideration of draft decision E/CN.4/1997/L.105 to its fifty-fourth session (see also E/1997/23-E/CN.4/1997/150, paras. 36-38).

Tolerance and pluralism as indivisible elements in the promotion and protection of human rights

13. In its decision 1997/118, the Commission, bearing in mind its resolution 1996/19, entitled "Tolerance and pluralism as indivisible elements in the promotion and protection of human rights", and the need to allow time for the implementation of the resolution, decided to defer consideration of this question to its fifty-fourth session under the relevant agenda item.

14. In connection with the present item, the Commission will also have before it the note by the Secretariat containing statistics relating to the fifty-third session of the Commission on Human Rights (E/CN.4/1998/109).

Item 4. Question of the violation of human rights in the occupied Arab territories, including Palestine

15. In its resolution 1993/2 A, the Commission decided to appoint a special rapporteur with the mandate to investigate Israel's violations of the principles and bases of international law, international humanitarian law and the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, in the Palestinian territories occupied by Israel since 1967, to receive communications, to hear witnesses and to report to the Commission at its future sessions, until the end of the Israeli occupation of those territories. Following the resignation of Mr. René Felber (Switzerland) at the fifty-first session, Mr. Hannu Halinen (Finland) was appointed Special Rapporteur. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/17).

16. At its fifty-third session, the Commission adopted resolution 1997/1, in which it requested the Secretary-General to report on the implementation of that resolution and to provide the Commission with all United Nations reports issued between sessions of the Commission that dealt with the conditions in which the citizens of the Palestinian and other occupied Arab territories were living under the Israeli occupation. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/18) and a note by the Secretary-General listing the aforementioned United Nations reports (E/CN.4/1998/19).

17. The Commission also adopted resolution 1997/2 on human rights in the occupied Syrian Golan, in which it requested the Secretary-General to report to the Commission at its fifty-fourth session. In this regard, the Commission will have before it the report of the Secretary-General (E/CN.4/1998/20).

Item 5. Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights, including:

(a) Problems related to the right to enjoy an adequate standard of living; foreign debt, economic adjustment policies and their effects on the full enjoyment of human rights and, in particular, on the implementation of the Declaration on the Right to Development;

(b) The effects of the existing unjust international economic order on the economies of the developing countries, and the obstacle that this represents for the implementation of human rights and fundamental freedoms

18. At its fifty-third session, in its resolution 1997/17, the Commission decided to request the Secretary-General to submit reports to the General Assembly at its fifty-second session and to the Commission on Human Rights at its fifty-fourth session, under the relevant agenda items, on progress towards the realization of the rights set forth in the International Covenant on Economic, Social and Cultural Rights, giving due reflection to:

(i) The views of all relevant national and international organizations, governmental or non-governmental, on the opportuneness and resource implications of appointing a special rapporteur to encourage the promotion and protection of economic, social and cultural rights in general; and

(ii) Their reactions to the report of the Committee on Economic, Social and Cultural Rights on a draft optional protocol for the consideration of communications concerning non-compliance with the International Covenant on Economic, Social and Cultural Rights.

The Commission will have before it the report of the Secretary-General (E/CN.4/1998/25). (See also paragraph 123 below.) The Secretary-General's report to the General Assembly (A/52/511) will be available.

19. In its resolution 1997/10, the Commission requested the Secretary-General to submit to the Commission, at its fifty-fourth session, after high-level consultations with Governments, international financial institutions and specialized agencies, and with intergovernmental organizations, a report on the international debt strategy containing an analysis of the effects of this phenomenon on the effective enjoyment of human rights of the people of the developing countries, and in particular of the most vulnerable and low-income groups. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/24).

20. In its decision 1997/103, the Commission decided to authorize the open-ended working group on structural adjustment programmes and economic, social and cultural rights to meet for one week, at least four weeks before

the fifty-fourth session of the Commission, with a mandate: (a) to gather and analyse information on the effects of structural adjustment programmes on economic, social and cultural rights; and (b) to elaborate basic policy guidelines on structural adjustment programmes and economic, social and cultural rights which could serve as a basis for a continued dialogue between human rights bodies and the international financial institutions, and to report to the Commission at its fifty-fourth session. In order that the working group might carry out its mandate, the Commission also decided to request the Chairman of the Commission, in consultation with the regional groups, to appoint an independent expert, preferably an economist specialized in the area of structural adjustment programmes, to study the effects of structural adjustment policies on economic, social and cultural rights in cooperation with the Centre for Human Rights. The expert should update previous work done on this subject within as well as outside the United Nations and submit a consolidated study, including a draft set of guidelines, to the Commission at its fifty-fourth session. The Economic and Social Council approved that decision in its decision 1997/283. The Commission will have before it the report of the working group (E/CN.4/1998/27) and the report of the independent expert, Mr. I.-S. Abdalla (Egypt) (E/CN.4/1998/26).

Human rights and unilateral coercive measures

21. In its resolution 1997/7, the Commission decided to examine this question, on a priority basis, at its fifty-fourth session under the present agenda item.

The right to food

22. In its resolution 1997/8, the Commission invited the High Commissioner for Human Rights to report on the implementation of the present resolution to the Commission at its fifty-fourth session. The Commission will have before it the report of the High Commissioner (E/CN.4/1998/21).

Adverse effects of the illicit movement and dumping of toxic waste and dangerous products and wastes on the enjoyment of human rights

23. Pursuant to Commission resolution 1995/81, Ms. Fatma Zohra Ksentini (Algeria) was appointed Special Rapporteur on this question. In its resolution 1997/9, the Commission decided to continue consideration of the question at its fifty-fourth session under the present agenda item. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/10 and Add.1-2).

Human rights and extreme poverty

24. In its resolution 1997/11, the Commission requested the High Commissioner for Human Rights, inter alia, to submit to the Commission at its fifty-fourth session, in accordance with agreed conclusions 1996/1 of the Economic and Social Council, a report, to be prepared by the Centre for Human Rights and the Division for the Advancement of Women, on the obstacles encountered and progress achieved in the field of women's rights relating to economic resources, the elimination of poverty and economic development, in

particular for women living in extreme poverty; and to continue his discussions with the World Bank and report on the creation of microcredit programmes at the fifty-fourth session of the Commission.

25. The Commission will have before it a joint report prepared by the Office of the High Commissioner for Human Rights and the Division for the Advancement of Women (E/CN.4/1998/22) and the report of the High Commissioner on the creation of the microcredit programmes (E/CN.4/1998/23).

Other matters

26. The attention of the Commission is also drawn to resolutions 1997/6, 1997/7, 1997/11, 1997/18, 1997/19 and 1997/20 and decisions 1997/107 and 1997/108 adopted by the Sub-Commission at its forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50). The Commission will also have before it a note by the Secretary-General (E/CN.4/1998/110) transmitting Sub-Commission document E/CN.4/Sub.2/1997/8 in accordance with a request contained in Sub-Commission resolution 1997/20.

Item 6. Question of the realization of the right to development

27. The Declaration on the Right to Development was proclaimed by the General Assembly in its resolution 41/128 of 4 December 1986. The Commission decided to include this question under a separate item on its agenda in its resolution 1989/45.

28. In its resolution 1993/22, the Commission decided to establish a working group on the right to development composed of 15 experts with a mandate to identify obstacles to the implementation and realization of the Declaration on the Right to Development and to recommend ways and means towards the realization of the right to development by all States. The Working Group held five sessions in the period 1993-1995.

29. In its resolution 1996/15, the Commission decided to establish, for a two-year period, an intergovernmental working group composed of 10 experts nominated by Governments and appointed by the Chairman of the Commission, with the mandate to elaborate a strategy for the implementation and promotion of the right to development in its integrated and multidimensional aspects. This decision was approved by the Economic and Social Council in its decision 1996/258.

30. In its resolution 1997/72, the Commission requested the Secretary-General to submit to the General Assembly at its fifty-third session and to the Commission on Human Rights at its fifty-fourth session a comprehensive report on the implementation of the various provisions of that resolution.

31. At the present session, the Commission will have before it the report of the Intergovernmental Group of Experts (E/CN.4/1998/29). It will also have before it the report of the Secretary-General on the implementation of resolution 1997/72 (E/CN.4/1998/28). The Secretary-General's report to the General Assembly (A/52/473) will be available.

Item 7. The right of peoples to self-determination and its application to peoples under colonial or alien domination or foreign occupation

Situation in occupied Palestine

32. In its resolution 1997/4, the Commission requested the Secretary-General to transmit the resolution to the Government of Israel and to all other Governments, to distribute it on the widest possible scale and to make available to the Commission on Human Rights, prior to the convening of its fifty-fourth session, all information pertaining to the implementation of the resolution by the Government of Israel. It also decided to consider the situation in occupied Palestine under the present item as a matter of high priority. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/30).

Question of Western Sahara

33. In its resolution 1997/5, the Commission decided to follow the development of the situation in Western Sahara and to consider the question at its fifty-fourth session, as a matter of high priority, under the present agenda item.

Question of the use of mercenaries

34. At its forty-third session, the Commission, in resolution 1987/16, decided to appoint for one year a special rapporteur to examine the question of the use of mercenaries as a means of violating human rights and of impeding the exercise of the right of peoples to self-determination. Subsequently, Mr. Enrique Bernales Ballesteros (Peru) was appointed as Special Rapporteur of the Commission. In its resolution 1995/5, the Commission decided to extend the mandate of the Special Rapporteur for three years and requested him to report to the Commission on his activities. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/31).

Item 8. Question of the human rights of all persons subjected to any form of detention or imprisonment, in particular:

(a) Torture and other cruel, inhuman or degrading treatment or punishment;

(b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;

(c) Question of enforced or involuntary disappearances;

(d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

Human rights and forensic science

35. In its resolution 1996/31, the Commission requested the Secretary-General to report to the Commission at its fifty-fourth session on progress in the subject-matter. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/32).

Independence of judges and lawyers

36. Pursuant to Commission resolution 1994/41, Mr. Param Cumaraswamy (Malaysia) was appointed Special Rapporteur on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers. In its resolution 1997/23, the Commission decided to extend the mandate of the Special Rapporteur for a further period of three years, requested him to submit a report on the activities relating to his mandate to the Commission at its fifty-fourth session, and decided to consider this question at that session. The Economic and Social Council approved that decision in its decision 1997/246. The Commission will have before it the report of the Special Rapporteur on the independence of judges and lawyers (E/CN.4/1998/39 and Add.1-4).

Staff members of the United Nations and the specialized agencies in detention

37. In its resolution 1997/25, the Commission requested the Secretary-General to commission a comprehensive and independent study, from within existing resources, to shed further light on the safety and security problems faced by United Nations and other personnel carrying out activities in fulfilment of the mandate of a United Nations operation, taking into account the evolution of the nature of United Nations missions around the world and the greater responsibilities of those personnel, giving due consideration to the views of the main United Nations agencies concerned and of relevant international organizations, both intergovernmental and non-governmental. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/33).

Right to freedom of opinion and expression

38. Pursuant to Commission resolution 1993/45, Mr. A. Hussain (India) was appointed as Special Rapporteur on the right to freedom of opinion and expression. In its resolution 1996/53, the Commission decided to renew the mandate of the Special Rapporteur for a period of three years. The Economic and Social Council approved that decision in its decision 1996/266. At its present session, pursuant to its resolution 1997/27, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/40 and Add.1-2).

Hostage-taking

39. In its resolution 1997/28, the Commission decided to consider this question at its fifty-fourth session under the same agenda item.

Right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms

40. In its resolution 1997/29, the Commission invited the Secretary-General to request all States to submit their views and comments on the note and revised draft basic principles and guidelines on the right to reparation for victims of [gross] violations of human rights and international humanitarian law contained in document E/CN.4/1997/104, and to prepare a report setting out

such views and comments for submission to the Commission on Human Rights at its fifty-fourth session. The Commission will have before it the report of the Secretary-General prepared pursuant to this request (E/CN.4/1998/34).

Question of arbitrary detention

41. At its forty-seventh session, in resolution 1991/42, the Commission decided to create, for a three-year period, a working group composed of five independent experts, with the task of investigating cases of detention imposed arbitrarily or otherwise inconsistently with relevant international standards or the relevant international legal instruments accepted by the States concerned. At its fifty-third session, in resolution 1997/50, the Commission decided to renew, for a three-year period the mandate of the Working Group. The Commission requested the Working Group to submit to it at its fifty-fourth session a report on its activities. At the present session, the Commission will have before it the report of the Working Group (E/CN.4/1998/44 and Add.1-2).

Children and juveniles in detention

42. In its decision 1997/106, the Commission requested the Secretary-General to submit an updated report at its fifty-fourth session, and decided to resume, on a biennial basis, consideration of this question at its fifty-fourth session under the present agenda item. The Commission will have before it the updated report of the Secretary-General (E/CN.4/1998/35).

43. The attention of the Commission is also drawn to resolutions 1997/24 and 1997/25, adopted by the Sub-Commission at its forty-ninth session.

Question of human rights and states of emergency

44. The Commission, in its decision 1997/110, decided to request the Special Rapporteur on the question of human rights and states of emergency, Mr. Leandro Despouy, to submit in his tenth annual report an updated list of States which have proclaimed, extended or terminated a state of emergency, together with final conclusions on the protection of human rights during states of emergency and specific recommendations as to how this question should be dealt with in the future.

45. The Commission will have before it a note by the Secretary-General (E/CN.4/1998/41) transmitting the tenth annual report of the Special Rapporteur of the Sub-Commission on human rights and states of emergency (E/CN.4/Sub.2/1997/19 and Add.1). The attention of the Commission is also drawn to draft decision 6, in chapter I of the report of the Sub-Commission on its forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50), and to decision 1997/115 of the Sub-Commission.

Other matters

46. In connection with the present agenda item, the attention of the Commission is also drawn to draft decision 5, on the question of privatization of prisons, proposed to the Commission for action, contained in chapter I of

the report of the Sub-Commission on its forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50) and to resolution 1997/28 and decision 1997/116 of the Sub-Commission.

Sub-item (a) Torture and other cruel, inhuman or degrading treatment or punishment

Special Rapporteur on the question of torture

47. At its forty-first session the Commission, in its resolution 1985/33, decided to appoint a special rapporteur to examine questions relevant to torture. The current special rapporteur, Mr. Nigel S. Rodley (United Kingdom of Great Britain and Northern Ireland), was appointed to the post in April 1993. In its resolution 1995/37, the Commission decided to extend the mandate of the Special Rapporteur for three years while maintaining the annual cycle of reporting. Pursuant to its resolution 1997/38, at the present session the Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/38 and Add.1-2).

United Nations Voluntary Fund for Victims of Torture

48. In December 1981, the General Assembly, in its resolution 36/151, established the United Nations Voluntary Fund for Victims of Torture and adopted the arrangements for the management of the Fund (A/36/540). Voluntary contributions paid to the Fund are distributed, through established channels of assistance, as medical, psychological, psychiatric, social, economic or legal assistance to the victims of torture and their relatives. The Fund is administered by the High Commissioner for Human Rights on behalf of the Secretary-General with the advice of a Board of Trustees authorized to promote and solicit contributions and pledges. An annual report is submitted by the Secretary-General to the Assembly and to the Commission on Human Rights.

49. In its resolution 1997/38, the Commission on Human Rights called upon the Board of Trustees of the Fund to report to the Commission at its fifty-fourth session and present an updated assessment of the global need for international funding of rehabilitation services for victims of torture and requested the Secretary-General to continue to keep the Commission informed of the operations of the Fund on an annual basis. At the present session, the Commission will have before it the report of the Secretary-General on the Fund to the General Assembly (A/52/387) and updated information for the Commission (E/CN.4/1998/37).

Sub-item (b) Status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

50. In its resolution 1997/38, the Commission requested the Secretary-General to submit to the Commission an annual report on the status of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/36).

Sub-item (c) Question of enforced or involuntary disappearances

51. In pursuance of General Assembly resolution 33/173, the Commission by resolution 20 (XXXVI) of 29 February 1980, decided to establish for a period of one year a working group consisting of five of its members, to serve as experts in their individual capacities, to examine questions relevant to enforced or involuntary disappearances of persons. The Commission has regularly renewed the Group's mandate since this time, most recently at its fifty-first session when, by its resolution 1995/38, it extended the Working Group's mandate for three years. In its resolution 1997/26, the Commission requested the Group to report on its work to the Commission at its fifty-fourth session. The Commission will have before it the report of the Working Group on Enforced or Involuntary Disappearances (E/CN.4/1998/43). (See also paragraphs 86-87 below.)

Sub-item (d) Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

52. At its forty-eighth session, in its resolution 1992/43, the Commission decided to establish an open-ended inter-sessional working group to elaborate a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment designed to establish a preventive system of visits to places of detention, using as a basis for its discussion the draft text proposed by the Government of Costa Rica on 22 January 1991, and to consider implications of its adoption and the relationship between the draft optional protocol, regional instruments and the Committee against Torture.

53. At its fifty-third session, in resolution 1997/24, the Commission requested the open-ended working group to meet between sessions prior to the fifty-third session of the Commission in order to continue its work and to submit a new report to the Commission. The Working Group met from 13 to 24 October 1997 in Geneva. At the present session, the Commission will have before it the report of the Working Group (E/CN.4/1998/42).

Item 9. Further promotion and encouragement of human rights and fundamental freedoms, including the question of the programme and methods of work of the Commission:

(a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms;

(b) National institutions for the promotion and protection of human rights;

(c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights;

(d) Human rights, mass exoduses and displaced persons

Sub-item (a) Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms

Preparations for the fiftieth anniversary of the Universal Declaration of Human Rights

54. In its resolution 1997/35, the Commission decided to review at its fifty-fourth session the state of the preparations for the fiftieth anniversary of the Universal Declaration of Human Rights and to give the matter attention commensurate with its historical significance.

55. The attention of the Commission is also drawn to resolution 1997/43 adopted by the Sub-Commission at its forty-ninth session.

Human rights and arbitrary deprivation of nationality

56. In its resolution 1997/36, the Commission requested the Secretary-General to transmit the resolution to Governments, intergovernmental and non-governmental organizations and the Sub-Commission on Prevention of Discrimination and Protection of Minorities, and to request their views thereon, and decided to remain seized of this matter.

Thematic procedures

57. In its resolution 1997/37, the Commission requested the Secretary-General, in close collaboration with the thematic special rapporteurs and working groups, to issue annually and sufficiently early their conclusions and recommendations, so as to enable further discussion of their implementation at subsequent sessions of the Commission. At its present session, the Commission will have before it a note by the Secretary-General (E/CN.4/1998/46).

58. In accordance with paragraph 10 (b) of the same resolution, a list of all persons currently constituting the thematic and country procedures, including their country of origin, is provided in an annex to the present document.

Human rights and terrorism

59. In resolution 1997/42, the Commission urged all thematic special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups, in their forthcoming reports to the Commission. It also requested the Secretary-General to continue to collect information on the implications of terrorism and of the fight against terrorism on the full enjoyment of human rights from all relevant sources, including Governments, specialized agencies, intergovernmental organizations and non-governmental organizations, and to make it available to the special rapporteurs and working groups concerned and the Commission on Human Rights for their consideration. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/48).

60. The attention of the Commission is also drawn to draft decision 9, in chapter I of the report of the Sub-Commission on its forty-ninth session.

Integrating the human rights of women into the human rights mechanisms of the United Nations

61. At its fiftieth session, the Commission adopted resolution 1994/45, entitled "The question of integrating the rights of women into the human rights mechanism of the United Nations and the elimination of violence against women", in which inter alia, it called for intensified effort at the international level to integrate the equal status of women and the human rights of women into the mainstream of United Nations system-wide activity and to address these issues regularly and systematically throughout relevant United Nations bodies and mechanisms.

62. In its resolution 1997/43, the Commission requested the Secretary-General to report to the Commission at its fifty-fourth session on the implementation of that resolution. Pursuant to that request, the Commission will have before it the report of the Secretary-General (E/CN.4/1998/49).

63. The attention of the Commission is also drawn to resolution 1997/9 adopted by the Sub-Commission at its forty-ninth session.

Violence against women

64. At its fiftieth session, in resolution 1994/45, the Commission decided to appoint, for a three-year period, a special rapporteur on violence against women, including its causes and consequences. Subsequently Ms. Radhika Coomaraswamy (Sri Lanka), was appointed as Special Rapporteur. At its fifty-third session, in its resolution 1997/44, the Commission decided that the mandate of the Special Rapporteur should be renewed for a period of three years and requested the Special Rapporteur to report annually to the Commission, beginning at its fifty-fourth session, on activities relating to her mandate. The Economic and Social Council approved that decision in its decision 1997/255. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/54 and Add.1). The attention of the Commission is also drawn to resolutions 1997/8 and 1997/9 and to paragraphs 46 to 52 of resolution 1997/22 adopted by the Sub-Commission at its forty-ninth session.

Regional arrangements

65. In its resolution 1997/45, entitled "Regional arrangements for the promotion and protection of human rights in the Asian and Pacific region", the Commission requested the Secretary-General to submit to the Commission at its fifty-fourth session a further report incorporating information on the progress achieved in the implementation of the present resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/50).

United Nations Decade for Human Rights Education

66. In its decision 1997/111, the Commission decided to defer consideration of this question to its fifty-fourth session under the relevant agenda item.

67. The attention of the Commission is also drawn to resolution 1997/7 adopted by the Sub-Commission at its forty-ninth session.

Rationalization of the work of the special procedures system and review of the special procedures system

68. The Commission, in its decision 1997/116, decided to defer consideration of draft resolutions E/CN.4/1997/L.86, entitled "Rationalization of the work of the special procedures system", and E/CN.4/1997/L.87, entitled "Review of the special procedures system", to its fifty-fourth session.

Sub-item (b) National institutions for the promotion and protection of human rights

69. In its resolution 1997/40, the Commission requested the Secretary-General to report to the Commission at its fifty-fourth session on the implementation of the present resolution and decided to continue its consideration of this question at its fifty-fourth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/47). The attention of the Commission is also drawn to the report of the Secretary-General submitted to the fifty-second session of the General Assembly (A/52/468).

Sub-item (c) Coordinating role of the Centre for Human Rights within the United Nations bodies and machinery dealing with the promotion and protection of human rights

70. In its resolution 1997/76 the Commission decided to request the High Commissioner for Human Rights to make available on an annual basis a report on the staff of the Office of the High Commissioner reflecting, inter alia, grade, nationality and gender, including with regard to non-regular staff. It also decided to request the High Commissioner to submit to the Commission at its fifty-fourth session a report on the implementation of the present resolution and to include in that report, inter alia, information on: (i) Voluntary contributions, including their share in the overall budget of the human rights programme and their allocation; and (ii) An assessment of the effectiveness of ongoing field operations. The Commission decided to consider the question of strengthening the Office of the High Commissioner at its fifty-fourth session, including measures taken in furtherance of the present resolution. The Commission will have before it the report of the High Commissioner (E/CN.4/1998/52).

71. The Commission in its decision 1997/124, decided to defer consideration of draft resolution E/CN.4/1997/L.47, entitled "Composition of the staff of the Centre for Human Rights", to its fifty-fourth session.

72. In connection with the present item and with item 21 of the provisional agenda, the attention of the Commission is also drawn to a note by the High Commissioner for Human Rights transmitting the report of the meeting of special rapporteurs/representatives/experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, held in Geneva from 21 to 23 May 1997 (E/CN.4/1998/45).

Sub-item (d) Human rights, mass exoduses and displaced persons

Internally displaced persons

73. In its resolution 1995/57, the Commission decided to extend for a further three years the mandate of the representative of the Secretary-General on internally displaced persons, Mr. Francis Deng (Sudan), and requested him to continue to submit annual reports on his activities to the Commission on Human Rights and to the General Assembly. Pursuant to that request and to resolution 1997/39, the Commission will have before it the report of the representative of the Secretary-General on internally displaced persons (E/CN.4/1998/53 and Add.1-2).

Human rights and mass exoduses

74. In its resolution 1997/75, the Commission requested the United Nations High Commissioner for Human Rights to invite Governments, intergovernmental organizations, specialized agencies and non-governmental organizations to provide information and to prepare, within existing resources, and submit to the Commission at its fifty-fourth session an update of his report, including information on and recommendations and conclusions emerging from the action taken pursuant to the present resolution, with particular attention to defining appropriate early-warning capacities and ensuing implementation procedures and activities necessary to respond promptly and effectively. The Commission will have before it the report of the High Commissioner (E/CN.4/1998/51).

75. In connection with the present sub-item, the attention of the Commission is also drawn to resolutions 1997/29, 1997/30 and 1997/31, adopted by the Sub-Commission at its forty-ninth session, and to draft decisions 7 and 8 proposed to the Commission for action, contained in chapter I of the report of the Sub-Commission on its forty-ninth session (E/CN.4/1998/2-E/CN.4/Sub.2/1997/50).

Item 10. Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus;

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

76. By resolution 1164 (XLI) of 5 August 1966, the Economic and Social Council welcomed the decision of the Commission in its resolution 2 B (XXII) of 25 March 1966 to consider, at its twenty-third session, the question of its tasks and functions and its role in relation to violations of human rights. In resolution 2144 A (XXI) of 26 October 1966, the General Assembly invited the Council and the Commission to give urgent consideration to ways and means

of improving the capacity of the United Nations to put a stop to violations of human rights wherever they might occur. Pursuant to these resolutions, the Commission adopted resolution 8 (XXIII) of 16 March 1967, in which it decided to give annual consideration to an item on the question of violations of human rights and fundamental freedoms. The title of the item was later modified by the Commission. Subsequently, the Economic and Social Council adopted resolutions 1235 (XLII) and 1503 (XLVIII) on the question of violations of human rights and fundamental freedoms.

77. In resolution 32/130, the General Assembly decided that, in approaching human rights questions within the United Nations system, the international community should accord, or continue to accord, priority to the search for solutions to the mass and flagrant violations of human rights of peoples and persons affected by various situations referred to in the resolution. The Assembly reiterated those views in subsequent resolutions, including resolution 37/199. In resolution 34/175, entitled "Effective action against mass and flagrant violations of human rights", the Assembly urged the appropriate United Nations bodies, within their mandates, particularly the Commission, to take timely and effective action in existing and future cases of mass and flagrant violations of human rights. By resolution 37/200, the General Assembly urged all States to cooperate with the Commission in its study of violations of human rights and fundamental freedoms in any part of the world and requested the Commission to continue its efforts to improve the capacity of the United Nations system to take urgent action in cases of serious violations of human rights.

Situation of human rights in Nigeria

78. Pursuant to resolution 1997/53, the Chairman of the Commission has appointed Mr. Tiyanjana Maluwa (Malawi) as Special Rapporteur on the situation of human rights in Nigeria. Following the resignation, on personal grounds, of Mr. Maluwa in August 1997, the Chairman of the fifty-third session of the Commission on Human Rights, after consultations with the members of the Bureau, appointed Mr. Soli Jehangir Sorabjee (India) as Special Rapporteur in October 1997.

79. The Special Rapporteur has been mandated, inter alia, to establish direct contacts with the authorities and the people of Nigeria and to submit a report to the Commission at its fifty-fourth session, on the basis of any relevant information which might be gathered, and to keep a gender perspective in mind when seeking and analysing information. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/62).

Situation of human rights in the Islamic Republic of Iran

80. In its resolution 1997/54, the Commission decided to extend the mandate of the Special Representative, as contained in Commission resolution 1984/54, for a further year and requested him to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session, and to keep a gender perspective in mind when seeking and analysing information. The Commission decided to continue its examination of the situation of human rights in the Islamic Republic of Iran, including the situation of minority groups such as the Baha'is, at its

fifty-fourth session. The Commission will have before it the report of the Special Representative, Mr. Maurice Copithorne (Canada) (E/CN.4/1998/59). The report of the Special Representative to the General Assembly (A/52/472, annex) will be available.

Human rights situation in southern Lebanon and West Bekaa

81. In its resolution 1997/55, the Commission requested the Secretary-General to bring the resolution to the attention of the Government of Israel, to invite it to provide information concerning the extent of its implementation thereof and to report to the Commission at its fifty-fourth session on the results of his efforts in that regard. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/56).

Cooperation with representatives of United Nations human rights bodies

82. In its resolution 1997/56, the Commission invited the Secretary-General to submit a report at its fifty-fourth session containing a compilation and analysis of any available information, from all appropriate sources, on alleged reprisals against those who seek to cooperate or have cooperated with representatives of United Nations human rights bodies, or who have provided testimony or information to them; those who avail or have availed themselves of procedures established under United Nations auspices for the protection of human rights and fundamental freedoms and all those who have provided legal assistance to them for this purpose; those who submit or have submitted communications under procedures established by human rights instruments; and those who are relatives of victims of human rights violations. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/57).

Situation of human rights in the territory of the former Yugoslavia

83. Pursuant to Commission resolution 1992/S-1/1, Mr. Tadeusz Mazowiecki (Poland) was appointed Special Rapporteur. Following the resignation of Mr. Mazowiecki in July 1995, the Chairman of the Commission appointed Ms. Elisabeth Rehn (Finland) Special Rapporteur. In its resolution 1997/57, the Commission decided to extend for one year the mandate of the Special Rapporteur. In compliance with Commission resolution 1997/57, the Special Rapporteur submitted periodic reports in September 1997 (E/CN.4/1998/9 and E/CN.4/1998/12) and October 1997 (E/CN.4/1998/13, E/CN.4/1998/14 and E/CN.4/1998/15), and a report to the General Assembly (A/52/490, annex). The Commission will have before it the above-mentioned reports of the Special Rapporteur, as well as an additional report (E/CN.4/1998/63).

84. Also in resolution 1997/57, in consideration of the resignation of the expert member of the Working Group on Enforced or Involuntary Disappearances, the Commission requested the Special Rapporteur to act on behalf of the United Nations in dealing with the question of the missing, and to report to the Commission about activities concerning missing persons in the former Yugoslavia. Several of the above-mentioned reports of the Special Rapporteur (E/CN.4/1998/13, E/CN.4/1998/14, A/52/490 and E/CN.4/1998/63) accordingly address this issue.

Situation of human rights in the Democratic Republic of the Congo (former Zaire)

85. Pursuant to Commission resolution 1994/87, Mr. Roberto Garretón (Chile) was appointed Special Rapporteur. In its resolution 1997/58, the Commission decided to extend the mandate of the Special Rapporteur for a further year, and requested him to report to the Commission at its fifty-fourth session.

86. In the same resolution, the Commission also requested the Special Rapporteurs on the situation of human rights in the Democratic Republic of the Congo and on extrajudicial, summary or arbitrary executions and a member of the Working Group on Enforced or Involuntary Disappearances to carry out a joint mission to investigate allegations of massacres and other issues affecting human rights which arose from the situation that prevailed in the eastern part of the country since September 1996 and to report to the General Assembly by 30 June 1997 and to the Commission at its fifty-fourth session.

87. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/65) and a note by the Secretary-General transmitting the report of the joint investigative mission submitted to the General Assembly in June 1997 (E/CN.4/1998/64).

Situation of human rights in Sudan

88. In its resolution 1997/59, the Commission decided to extend the mandate of the Special Rapporteur, Mr. Gáspár Biro (Hungary), for an additional year and requested the Special Rapporteur to report his findings and recommendations to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/66). The report of the Special Rapporteur to the General Assembly (A/52/510, annex) will be available.

Situation of human rights in Iraq

89. In its resolution 1997/60, the Commission decided to extend the mandate of the Special Rapporteur, as contained in Commission resolution 1991/74 and subsequent resolutions, for a further year, and requested the Special Rapporteur to submit an interim report on the situation of human rights in Iraq to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/67). The Special Rapporteur's report to the General Assembly (A/52/476, annex) will be available.

Extrajudicial, summary or arbitrary executions

90. Pursuant to Economic and Social Council resolution 1982/35, Mr. Amos Wako (Kenya) was appointed Special Rapporteur. Following the resignation of Mr. Wako in March 1982, Mr. Bacre W. N'diaye (Senegal) was appointed Special Rapporteur. In its resolution 1995/73, the Commission decided that the mandate of the Special Rapporteur should be extended for

three years. In its resolution 1997/61, the Commission requested him to submit to it, on an annual basis, his findings, together with conclusions and recommendations, as well as such other reports as the Special Rapporteur deemed necessary in order to keep the Commission informed. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/68 and Add.1-3). (See also paragraphs 86-87 above.)

Situation of human rights in Cuba

91. Pursuant to Commission resolution 1992/61, Mr. Johan-Carl Groth (Sweden) was appointed Special Rapporteur on the situation of human rights in Cuba. In its resolution 1997/62, the Commission extended the mandate of the Special Rapporteur for one year and requested the Special Rapporteur to maintain direct contacts with the Government and citizens of Cuba, as specified in past resolutions of the Commission, and to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission at its fifty-fourth session on the results of his endeavours. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/69). The Special Rapporteur's report to the General Assembly (A/52/479, annex) will be available.

Situation in East Timor

92. In its resolution 1997/63, the Commission decided to consider the situation in East Timor at its fifty-fourth session under the present agenda item on the basis of the reports of special rapporteurs and working groups and that of the Secretary-General. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/58).

Situation of human rights in Myanmar

93. Following the resignation of the Special Rapporteur, Mr. Yozo Yokota (Japan) in May 1996, Mr. Rajsoomer Lallah (Mauritius) was appointed Special Rapporteur. In its resolution 1997/64, the Commission decided to extend for a further year the mandate of the Special Rapporteur and requested him to submit an interim report to the General Assembly at its fifty-second session and to report to the Commission on Human Rights at its fifty-fourth session. The Commission will have before it the report of the current Special Rapporteur, Mr. Rajsoomer Lallah (E/CN.4/1998/70). The Special Rapporteur's report to the General Assembly (A/52/484, annex) will be available.

Situation of human rights in Afghanistan

94. Following the death of the Special Rapporteur, Mr. Felix Ermacora (Austria), in February 1995, Mr. Choong-Hyun Paik (Republic of Korea) was appointed Special Rapporteur. In its resolution 1997/65, the Commission extended the mandate for one year and requested the Special Rapporteur to report to the Commission at its fifty-fourth session and to consider submitting a report to the General Assembly at its fifty-second session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/71). The report of the Special Rapporteur to the General Assembly (A/52/493, annex) will be available.

95. In its resolution 1997/65, the Commission also requested the United Nations High Commissioner for Human Rights to ensure a human rights presence in the context of the United Nations activities in Afghanistan in order to provide professional advice to all the Afghan parties, as well as to the intergovernmental and non-governmental organizations active in the field. In this respect, the Commission will have before it a note by the High Commissioner for Human Rights (E/CN.4/1998/120).

Situation of human rights in Rwanda

96. Pursuant to Commission resolution 1994/S-3/1, Mr. René Degni-Ségui (Côte d'Ivoire) was appointed Special Rapporteur to investigate the human rights situation in Rwanda and receive relevant, credible information on the human rights situation there, including on root causes and responsibilities for the recent atrocities. In its resolution 1997/66, the Commission requested the Chairman of the Commission to appoint a special representative with the mandate to make recommendations on how to improve the human rights situation in Rwanda, to facilitate the creation and effective functioning of an independent national human rights commission in Rwanda, and further to make recommendations on situations in which technical assistance to the Government of Rwanda in the field of human rights may be appropriate. The special representative was requested to report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session in accordance with his mandate. In the same resolution, the High Commissioner for Human Rights was requested to continue to report regularly on the activities and findings of the Human Rights Field Operation in Rwanda, and to make those reports widely and promptly available to both the Commission and the General Assembly. The High Commissioner for Human Rights was also requested to submit a report on the implementation of the present resolution to the Commission on Human Rights at its fifty-fourth session and to the General Assembly at its fifty-second session.

97. The Commission will have before it the report of the current Special Representative, Mr. Michel Moussalli (Switzerland), (E/CN.4/1998/60) and the report of the High Commissioner (E/CN.4/1998/61). The Special Representative's report to the General Assembly (A/52/522, annex) will be available, as will the report of the High Commissioner (annexes to documents A/52/486 and Add.1/Rev.1).

Situation of human rights in Equatorial Guinea and assistance in the field of human rights

98. Pursuant to Commission resolution 1993/69, Mr. Alejandro Artucio Rodríguez (Uruguay) was appointed Special Rapporteur on the situation of human rights in Equatorial Guinea. In its resolution 1997/67, the Commission decided to renew the mandate of the Special Rapporteur for one year and requested him to report to the Commission at its fifty-fourth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/73).

Situation of human rights in Burundi

99. Pursuant to Commission resolution 1995/90, Mr. Paulo Sérgio Pinheiro (Brazil) was appointed Special Rapporteur with the task of drawing up, on the basis of all the information he considers relevant and his contacts with the Burundi authorities and population, a report on the situation of human rights in Burundi. In its resolution 1997/77, the Commission decided to extend the mandate of the Special Rapporteur for an additional year and requested him to report to the General Assembly at its fifty-second session and to the Commission at its fifty-fourth session. The Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/72 and Add.1). The Special Rapporteur's report to the General Assembly (A/52/505, annex) will be available.

Action by the Sub-Commission at its forty-ninth session

100. The attention of the Commission is drawn to the following resolutions and decisions adopted by the Sub-Commission at its forty-ninth session that are relevant to the present agenda item: 1997/1 (Congo); 1997/2 (Bahrain) and 1997/3 (Democratic People's Republic of Korea) (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. II).

Sub-item (a) Question of human rights in Cyprus

101. This question has been considered by the Commission since its thirty-second session, when it adopted resolution 4 (XXXIII) of 27 February 1976. In its decision 1997/121, the Commission decided to retain the sub-item on its agenda and to give it due priority at its fifty-fourth session, it being understood that action required by previous resolutions of the Commission on the subject would continue to remain operative, including the request to the Secretary-General to provide a report regarding their implementation. At its present session the Commission will have before it the report of the Secretary-General (E/CN.4/1998/55).

Sub-item (b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided for in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on Situations established by Economic and Social Council resolution 1990/41 of 25 May 1990

102. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council established a procedure for dealing with communications concerning alleged violations of human rights. Particular situations referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities under Council resolution 1503 (XLVIII) were placed before the Commission for the first time at its thirtieth session in 1974. Since then particular situations relating to 75 countries have been placed before the Commission under the procedure.

103. From its thirtieth session, in 1974 (see Commission decision 3 (XXX) of 6 March 1974), the Commission annually set up a working group of five of its members, due account being taken of considerations of geographical

distribution, to meet for one week prior to the Commission's following session to examine the particular situations referred to the Commission by the Sub-Commission under Council resolution 1503 (XLVIII) and those situations of which the Commission was seized under that procedure, and to make recommendations to the Commission on the course of action to take in respect of each particular situation. By resolution 1990/41 of 25 May 1990, the Economic and Social Council, acting on the recommendation contained in Commission resolution 1990/55 of 7 March 1990, authorized the establishment of the working group, to be referred to as the Working Group on Situations, on a permanent basis, instead of the earlier ad hoc basis.

104. At its thirtieth session, the Commission decided that the Governments concerned should henceforth be invited to submit written observations relating to the particular situations referred to the Commission (decision 3 (XXX), para. 4).

105. In 1978, the Commission decided to issue invitations, during the first week of each session, to the States directly concerned, asking them to send representatives to address the Commission and to answer any questions put by members of the Commission (decision 5 (XXXIV)).

106. In 1979, the Commission decided to authorize its Working Group on Situations in future to communicate the text of the relevant recommendations as soon as possible to the Governments directly concerned, in order to facilitate their participation in the examination of the situations concerning their countries, as provided for in Commission decision 5 (XXXIV) (decision 14 (XXXV)).

107. In 1980, the Commission decided that the States invited to attend the closed meetings of the Commission under Council resolution 1503 (XLVIII) should have the right to attend and to participate in the entire discussion of the situation concerning them, and to be present during the adoption of the final decision taken in regard to that situation (decision 9 (XXXVI)).

108. All actions taken under the procedure governed by Council resolution 1503 (XLVIII) remain confidential until such time as the Commission may decide to make recommendations to the Council. The documentation pertaining to the procedure is also confidential.

109. At its fifty-fourth session, the Commission will have before it the report of the Working Group on Situations, as well as other confidential documents pertaining to the sub-item, including the confidential report of the forty-ninth session of the Sub-Commission (E/CN.4/1998/R.1 and addenda). Observations which may be received from the Governments concerned (to be issued in the E/CN.4/1998/R.2 series) will also be made available. In addition, the Commission will have before it the relevant earlier material relating to the situations of which the Commission is seized. The above-mentioned confidential documents will be handed to the members of the Commission at the session.

110. Chapter XV of the report of the Sub-Commission on the work of its forty-ninth session is also relevant to this sub-item.

Item 11. Measures to improve the situation and ensure the human rights and dignity of all migrant workers

111. The General Assembly, in resolution 45/158 of 18 December 1990, adopted the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

112. In its resolution 1997/13, the Commission decided to continue to examine the question of violence against women migrant workers at its fifty-fourth session. The Secretary-General was requested to submit a comprehensive report to the Commission at its fifty-fourth session on the implementation of that resolution, including information received from organs and bodies of the United Nations system, Member States, intergovernmental organizations and other concerned bodies. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/74).

113. In its resolution 1997/14, the Commission requested the Secretary-General to submit to the Commission at its fifty-fourth session a report on the status of the Convention and on the efforts made by the Secretariat to promote the Convention and the protection of the rights of migrant workers. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/75).

114. In its resolution 1997/15, the Commission decided to establish a working group consisting of five intergovernmental experts, appointed on the basis of equitable geographical representation after consultations with the regional groups, to meet for two periods of five working days prior to the fifty-fourth session of the Commission, with a mandate to: (a) gather all relevant information from Governments, non-governmental organizations and any other relevant sources on the obstacles existing to the effective and full protection of the human rights of migrants; and (b) elaborate recommendations to strengthen the promotion, protection and implementation of the human rights of migrants. The working group met from 17 to 21 November 1997 and from 16 to 20 February 1998. The Commission will have before it the report of the working group (E/CN.4/1998/76).

115. The attention of the Commission is also drawn to resolution 1997/4 and to paragraphs 34 to 42 of resolution 1997/22 adopted by the Sub-Commission at its forty-ninth session (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. II).

Item 12. Racism, racial discrimination, xenophobia and related intolerance

116. In its resolution 1995/11, the Commission requested the Secretary-General to submit to the Commission a detailed annual report on (a) all activities of Member States, United Nations bodies, the specialized agencies and non-governmental organizations, analysing information received on such activities to combat racism and racial discrimination; (b) measures to be taken to improve the coordination of the activities of the Programme of Action or to supplement, on the basis of the discussions in plenary, the Programme of Action for the Third Decade to Combat Racism and Racial Discrimination. Pursuant to that request, the Commission will have before it the report of the Secretary-General (E/CN.4/1998/77).

117. Under the present item, the Commission will also have before it the report of the seminar on immigration, racism and racial discrimination held in Geneva from 5 to 9 May 1997 (E/CN.4/1998/77/Add.1) and the report of the seminar on the role of the Internet with regard to the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination, held in Geneva from 10 to 14 November 1997 (E/CN.4/1998/77/Add.2).

118. In its resolution 1997/74, the Commission requested the Secretary-General to submit to it at its fifty-fourth session a report on the implementation of that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/78).

119. Pursuant to Commission resolution 1993/20, Mr. Glèlè-Ahanhanzo (Benin) was appointed Special Rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance. In its resolution 1996/21, the Commission decided to extend for a period of three years the mandate of the Special Rapporteur to examine incidents of contemporary forms of racism, racial discrimination, any form of discrimination, inter alia against Blacks, Arabs and Muslims, xenophobia, negrophobia, anti-Semitism and related intolerance, as well as governmental measures to overcome them, and to report on these matters on a yearly basis to the Commission. In its resolution 1997/73, the Commission requested the Secretary-General to provide the Special Rapporteur, without any further delay, with all the appropriate assistance and resources to carry out his mandate and enable him to submit an interim report to the General Assembly at its fifty-second session and a comprehensive report to the Commission at its fifty-fourth session. The Commission will have before it the reports of the Special Rapporteur (E/CN.4/1998/79). The Special Rapporteur's report to the General Assembly (A/52/471, annex) will be available.

120. The Commission will also have before it the annual reports on racial discrimination submitted by the International Labour Organization (E/CN.4/1998/80) and by the United Nations Educational, Scientific and Cultural Organization (E/CN.4/1998/81).

121. The attention of the Commission is also drawn to resolution 1997/5 adopted by the Sub-Commission at its forty-ninth session (see E/CN.4/1998/2-E/CN.4/Sub.2/1997/50, chap. II).

Item 13. Status of the International Covenants on Human Rights

122. In its decision 1997/104, the Commission reaffirming its resolution 1996/16, requested the Secretary-General to submit to it, at its fifty-fourth session, an updated version of the report on the status of the International Covenant on Economic, Social and Cultural Rights and on the International Covenant on Civil and Political Rights and its Optional Protocols, including all reservations and declarations. Accordingly, the Commission will have before it the updated report of the Secretary-General on the status of the International Covenants on Human Rights (E/CN.4/1998/83). Reservations, declarations, notifications and objections relating to the

International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and the Optional Protocols thereto are contained in document ST/LEG/SER.E/14.

123. Also in its decision 1997/104, the Commission requested the Secretary-General to transmit the text of the draft optional protocol to the International Covenant on Economic, Social and Cultural Rights, contained in document E/CN.4/1997/105, to Governments and intergovernmental and non-governmental organizations for their comments for submission to the Commission on Human Rights at its fifty-fourth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/84). In this connection, the attention of the Commission is also drawn to the report of the Secretary-General on progress towards the realization of economic, social and cultural rights (E/CN.4/1998/25) submitted in accordance with paragraph 6 (b) of Commission resolution 1997/17 (see para. 18 above).

124. In its resolution 1997/12 entitled "Question of the death penalty", the Commission requested the Secretary-General to submit to it, in consultation with Governments, specialized agencies and intergovernmental and non-governmental organizations, a yearly supplement on changes in law and practice concerning the death penalty worldwide to his quinquennial report on capital punishment and implementation of the Safeguards guaranteeing protection of the rights of those facing the death penalty. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/82).

125. The attention of the Commission is also drawn to resolution 1997/41 adopted by the Sub-Commission at its forty-ninth session.

Item 14. Effective functioning of bodies established pursuant to United Nations human rights instruments

126. In its decision 1997/105, the Commission on Human Rights, welcoming the final report of the independent expert on enhancing the long-term effectiveness of the United Nations human rights treaty system, invited the Secretary-General to solicit the views of United Nations bodies, Governments, specialized agencies, intergovernmental and non-governmental organizations and interested persons on the report of the independent expert and to submit a report thereon, including the Secretary-General's own views on the legal, administrative and other implications of the report's recommendations, to the Commission at its fifty-fourth session. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/85).

127. By the same decision, the Commission on Human Rights decided to consider at its fifty-fourth session all reports relevant to the effective implementation of international human rights instruments, including those of the Secretary-General, the seventh and eighth meeting of persons chairing human rights treaty bodies (annexes to documents A/51/482 and A/52/507, respectively) and the independent expert (E/CN.4/1997/74). The Commission will have before it those reports.

Item 15. Report of the Sub-Commission on Prevention of Discrimination and Protection of Minorities on its forty-ninth session

128. The report of the Sub-Commission on its forty-ninth session is contained in document E/CN.4/1998/2-E/CN.4/Sub.2/1997/50.

129. At its forty-ninth session, the Sub-Commission adopted 43 resolutions and 19 decisions, which are reproduced in the report.

130. Chapter I of the report of the Sub-Commission contains 1 draft resolution and 10 draft decisions proposed to the Commission for action. They are as follows:

A. Draft resolution

Organization of the sessions of the Sub-Commission

B. Draft decisions

1. Permanent forum within the United Nations system for indigenous peoples

2. Protection of the heritage of indigenous people

3. Working Group on Indigenous Populations

4. Prevention of discrimination against and protection of minorities

5. Privatization of prisons

6. Question of human rights and states of emergency

7. Freedom of movement and population transfer

8. Study concerning the right to freedom of movement

9. Human rights and terrorism

10. Human rights and scientific and technological developments

131. Annex IV to the report of the Sub-Commission contains the resolutions and decisions of the Sub-Commission referring to matters which are drawn to the attention of the Commission.

132. In its resolution 1997/22, the Commission decided to invite the Chairman of the Sub-Commission at its forty-ninth session to report to the Commission at its fifty-fourth session on significant aspects of the work of the Sub-Commission. The Commission also invited its Chairman to inform the Sub-Commission on the debate under this item.

133. The Commission will have before it the report of the Chairman of the Sub-Commission submitted pursuant to Commission resolution 1997/22 (E/CN.4/1998/88).

Traffic in women and girls

134. In its resolution 1997/19, the Commission requested the Secretary-General to provide the Commission at its fifty-fourth session with his report to the General Assembly at its fifty-second session on the implementation of General Assembly resolution 51/66. The Commission will have before it a note by the Secretary-General (E/CN.4/1998/86) transmitting that report (A/52/355).

Contemporary forms of slavery

135. In its resolution 1997/20, the Commission, inter alia, requested the Secretary-General to transmit to Governments an appeal for contributions to the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery. At the present session, the Commission will have before it the report of the Secretary-General on the financial situation of the Fund (E/CN.4/1998/89). The attention of the Commission is also drawn to resolutions 1997/21 and 1997/22 and to decision 1997/114 adopted by the Sub-Commission at its forty-ninth session.

Minimum humanitarian standards

136. In its resolution 1997/21, the Commission requested the Secretary-General, in coordination with the International Committee of the Red Cross and within existing resources, to submit to the Commission at its fifty-fourth session an analytical report on the issue of fundamental standards of humanity, taking into consideration in particular the issues raised in the report of the International Workshop on Minimum Humanitarian Standards held in Cape Town, South Africa, from 27 to 29 September 1996, and identifying, inter alia, common rules of human rights law and international humanitarian law that are applicable in all circumstances. In preparing his study, the Secretary-General was requested to seek the views of and information from Governments, United Nations bodies, in particular the Office of the United Nations High Commissioner for Refugees, the human rights treaty bodies and intergovernmental organizations, as well as regional organizations and non-governmental organizations. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/87 and addenda).

Human rights of persons with disabilities

137. In its decision 1997/107, the Commission decided to resume consideration of this question at its fifty-fourth session and to invite the Special Rapporteur on disability of the Commission for Social Development to be present on that occasion.

Other matters

138. In connection with the present item, the attention of the Commission is also drawn to the draft resolution and to draft decision 10 proposed to the Commission for action, contained in chapter I of the report of the Sub-Commission on its forty-ninth session.

Item 16. Rights of persons belonging to national or ethnic, religious and linguistic minorities

139. In its resolution 49/192, the General Assembly called upon the Commission on Human Rights to examine, as a matter of priority, ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

140. Pursuant to Commission resolution 1995/24, the Sub-Commission established, initially for a three-year period, an inter-sessional working group consisting of five of its members to meet each year for five working days, in particular to:

(a) Review the promotion and practical realization of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments; and

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

141. In its resolution 1997/16, the Commission invited the Working Group to submit, through the Sub-Commission, a comprehensive report on its work to the Commission at its fifty-fourth session for the consideration of, inter alia, the extension of its mandate. The Secretary-General was requested to submit to the Commission at its fifty-fourth session a report on the implementation of that resolution. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/90) and a note by the Secretariat (E/CN.4/1998/91) transmitting the reports of the Working Group on its third session (E/CN.4/Sub.2/1997/18).

142. In this connection, the attention of the Commission is also drawn to the report of the Secretary-General to the General Assembly at its fifty-second session (A/52/498).

143. The attention of the Commission is also drawn to resolution 1997/23 adopted by the Sub-Commission at its forty-ninth session, and to draft decision 4 proposed to the Commission for action, contained in chapter I of the report of the Sub-Commission on its forty-ninth session.

Item 17. Advisory services in the field of human rights

144. In its resolution 1997/46, the Commission requested the Secretary-General to submit an analytical report to the Commission at its fifty-fourth session on the progress and concrete achievements made as well as obstacles encountered in the implementation of the programme of advisory services and technical cooperation in the field of human rights and on the

operation and administration of the Voluntary Fund for Technical Cooperation in the Field of Human Rights. The Commission will have before it the report of the Secretary-General (E/CN.4/1998/92).

Assistance to Somalia in the field of human rights

145. Following the resignation of Mr. Mohammed Charfi (Tunisia) at the end of 1996, Ms. Mona Rishmawi (Jordan) was appointed independent expert. In its resolution 1997/47, the Commission requested the independent expert to report to the Commission at its fifty-fourth session, in particular on the basis of a detailed assessment of the means necessary to establish a programme of advisory services and technical cooperation through, inter alia, the contribution of agencies and programmes of the United Nations in the field, as well as of the non-governmental sector. The Commission will have before it the report of the independent expert (E/CN.4/1998/96).

Situation of human rights in Cambodia

146. In its resolution 1997/49, the Commission requested the Secretary-General to report to the Commission at its fifty-fourth session on the role of the Centre for Human Rights in assisting the Government and people of Cambodia in the promotion and protection of human rights and on the recommendations made by the Special Representative on matters within his mandate.

147. The Commission will have before it the report of the Special Representative of the Secretary-General, Mr. Thomas Hammarberg (Sweden) (E/CN.4/1998/95) and the report of the Secretary-General (E/CN.4/1998/94). The Special Representative's report to the General Assembly (A/52/489, annex) will be available.

Assistance to Guatemala in the field of human rights

148. In its resolution 1997/51, the Commission, having considered with satisfaction the report of the independent expert, Ms. Mónica Pinto (Argentina), and expressing its gratitude to the independent expert for her report and for the way in which she has discharged her mandate, requested the Secretary-General to send a mission to Guatemala at the end of 1997 and to submit a report to the Commission at its fifty-fourth session on the evolution of the situation of human rights in Guatemala in the light of the implementation of the peace agreements, with a view to concluding the consideration of the case of Guatemala in the agenda of the Commission. The Secretary-General's mission should take into account the verification work done by MINUGUA and the information submitted by the Government of Guatemala, the Follow-up Commission on compliance with the peace agreements, the political organizations and the non-governmental human rights organizations, as well as the implementation of the agreement on the provision of advisory services in the field of human rights signed by the Government of Guatemala and the United Nations High Commissioner for Human Rights. The Commission will have before it the report of the Secretary-General's mission (E/CN.4/1998/93).

149. In this connection, the attention of the Commission is also drawn to the statement made, on behalf of the Sub-Commission, by the Chairman of its forty-ninth session on respect for human rights and the conclusion of the peace process in Guatemala (see paras. 41-42 of the report of the Sub-Commission on its forty-ninth session).

Situation of human rights in Haiti

150. In its resolution 1997/52, the Commission invited the independent expert, Mr. Adama Dieng (Senegal), to inform the General Assembly at its fifty-second session and the Commission on Human Rights at its fifty-fourth session about the development of the human rights situation in Haiti. The Commission will have before it the report of the independent expert (E/CN.4/1998/97). The independent expert's report to the General Assembly (A/52/499, annex) will be available.

Situation of human rights in Liberia

151. In the statement on the situation of human rights in Liberia, agreed on by consensus by the Commission, made by the Chairman on 16 April 1997, the Commission, inter alia, decided to remain seized of the matter under its agenda item entitled "Advisory services in the field of human rights" (see E/1997/23-E/CN.4/1997/150, para. 578).

Item 18. Implementation of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

152. After the proclamation by the General Assembly in 1981 of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief (resolution 36/55), consideration of measures to implement the Declaration was taken up, at the request of the Assembly, by the Commission and the Sub-Commission.

153. At its forty-second session, in resolution 1986/20, the Commission decided to appoint a special rapporteur to examine incidents and governmental actions which were inconsistent with the provisions of the Declaration.

154. At its fifty-first session the Commission, in resolution 1995/23, decided to extend for three years the mandate of the Special Rapporteur.

155. Mr. Abdelfattah Amor (Tunisia), who succeeded Mr. Angelo d'Almeida Ribeiro (Portugal) in 1993, submitted successive reports (E/CN.4/1994/79; E/CN.4/1995/91 and Add.1; E/CN.4/1996/95 and Add.1-2; E/CN.4/1997/91 and Add.1) to the Commission on Human Rights at its fiftieth, fifty-first, fifty-second and fifty-third sessions, as well as to the General Assembly at its fiftieth, fifty-first and fifty-second sessions (annexes to documents A/50/440; A/51/542 and Add.1-2; A/52/477 and Add.1).

156. At the present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/6 and Add.1-2) submitted pursuant to Commission resolution 1997/18.

Item 19. Drafting of a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms

157. At its fortieth session, the Commission, by its decision 1984/116, decided to establish an open-ended working group to draft a declaration on the right and responsibility of individuals, groups and organs of society to promote and protect universally recognized human rights and fundamental freedoms.

158. At its fifty-third session, the Commission had before it the report of the Working Group on its twelfth session (E/CN.4/1997/92). In its resolution 1997/70, the Commission urged the working group to complete its task promptly and submit the draft declaration to the Commission. The Economic and Social Council, in its resolution 1997/51, authorized the working group to meet for a period of eight working days prior to the fifty-fourth session of the Commission. The Commission will have before it the report of the working group (E/CN.4/1998/98).

Item 20. Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography;

(c) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography;

(d) Question of a draft optional protocol to the Convention on the Rights of the Child on the prevention of the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication

Draft optional protocol on the involvement of children in armed conflicts

159. At its fiftieth session, in its resolution 1994/91, the Commission on Human Rights decided to establish an open-ended inter-sessional working group of the Commission to elaborate, as a matter of priority, a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, using as one basis for its discussions the preliminary draft optional protocol submitted by the Committee on the Rights of the Child (E/CN.4/1994/91).

160. At its fifty-third session, the Commission, in its resolution 1997/78, welcomed the report of the working group on its third session (E/CN.4/1997/96) and requested the group to meet for a period of two weeks, or less if possible, prior to the fifty-fourth session of the Commission in order to finalize the draft optional protocol. This request was endorsed by the Economic and Social Council in its decision 1997/281. At the present session, the Commission will have before it the report of the working group on its fourth session (E/CN.4/1998/102).

The impact of armed conflict on children

161. At its fifty-first session, the General Assembly, in its resolution 51/77, recommended that the Secretary-General appoint for a period of three years a Special Representative on the impact of armed conflict on children and requested the Special Representative to submit to the General Assembly and the Commission on Human Rights an annual report containing relevant information on the situation of children affected by armed conflict.

162. The Commission on Human Rights, at its fifty-third session, in its resolution 1997/78, welcomed the recommendation by the General Assembly to the Secretary-General to appoint a special representative and decided to invite Member States, United Nations organs and bodies, the International Committee of the Red Cross, as well as other relevant intergovernmental and non-governmental organizations to contribute to the work of the Special Representative. Mr. Olara Otunnu (Côte d'Ivoire) was subsequently nominated as Special Representative.

163. In view of his late nomination, Mr. Otunnu did to submit a report to the General Assembly at its fifty-second session. At its present session, the Commission will have before it the report of the Special Representative (E/CN.4/1998/119).

Sub-item (a) Status of the Convention on the Rights of the Child

164. In its resolution 1997/78, the Commission requested the Secretary-General to submit a report on the status of the Convention on the Rights of the Child to the Commission at its fifty-fourth session. At the present session, the Commission will have before it the report of the Secretary-General (E/CN.4/1998/99). The reports of the Committee on the Rights of the Child on its fourteenth (CRC/C/62), fifteenth (CRC/C/66) and sixteenth (CRC/C/69) sessions will be available.

Sub-item (b) Report of the Special Rapporteur on the sale of children, child prostitution and child pornography

165. At its forty-sixth session, in its resolution 1990/68, the Commission decided to appoint a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. Subsequently, Mr. Vitit Muntarbhorn (Thailand) was appointed Special Rapporteur. Following the resignation of Mr. Muntarbhorn in October 1994, Ms. Ofelia Calcetas-Santos (Philippines) was appointed Special Rapporteur.

166. At its fifty-third session, the Commission, in its resolution 1997/78, decided to request the Secretary-General to provide the Special Rapporteur with all necessary assistance and to urge all relevant parts of the United Nations system to provide the Special Rapporteur with comprehensive reporting to make the full discharge of her mandate possible and to enable her to submit a report to the General Assembly at its fifty-second session and a

report to the Commission on Human Rights at its fifty-fourth session. The interim report of the Special Rapporteur to the General Assembly at its fifty-second session is contained in document A/52/482, annex.

167. At its present session, the Commission will have before it the report of the Special Rapporteur (E/CN.4/1998/101), as well as the reports on her missions to Kenya (E/CN.4/1998/101/Add.1) and to Mexico (E/CN.4/1998/101/Add.2). The attention of the Commission is also drawn to paragraphs 12 to 15 of resolution 1997/22 adopted by the Sub-Commission at its forty-ninth session.

Sub-item (c) Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

168. At its forty-eighth session, the Commission, in its resolution 1992/74, adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography. The Commission requested all States to inform the Sub-Commission periodically of measures adopted to implement the Programme of Action and on the efficacy of such measures and requested the Sub-Commission to submit every two years a report to the Commission on the state of implementation of the Programme of Action by all States.

169. The Sub-Commission, at its forty-eighth session, in its resolution 1996/12, requested the Secretary-General to submit to the Commission at its fifty-fourth session a report on measures adopted to implement the Programme of Action.

170. At the present session, the Commission will have before it a note by the Secretariat (E/CN.4/1998/100) transmitting the report of the Secretary-General to the Sub-Commission (E/CN.4/Sub.2/1997/11), containing the replies received from States concerning the implementation of the Programme of Action.

Sub-item (d) Question of a draft optional protocol to the Convention on the Rights of the Child on the prevention of the sale of children, child prostitution and child pornography, as well as the basic measures needed for their prevention and eradication

171. At its fiftieth session, in its resolution 1994/90, and in follow-up to General Assembly resolution 48/156, the Commission decided to establish an open-ended inter-sessional working group of the Commission on Human Rights responsible for elaborating, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, guidelines for a possible draft optional protocol on the sale of children, child prostitution and child pornography, as well as the basic measures required for their prevention and eradication.

172. At its fifty-first session, in its resolution 1995/78, the Commission decided that the working group should elaborate, as a matter of priority and in close cooperation with the Special Rapporteur and the Committee on the Rights of the Child, and on the basis of the guidelines contained in annex I of its report (E/CN.4/1995/95), a draft optional protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography.

173. At its fifty-third session, the Commission considered the report on the third session of the working group (E/CN.4/1997/97) and, in its resolution 1997/78 requested the working group to meet for a period of two weeks, or less if possible, prior to the fifty-fourth session of the Commission to finalize the draft optional protocol before the tenth anniversary of the Convention on the Rights of the Child. At the present session, the Commission will have before it the report of the working group on its fourth session (E/CN.4/1998/103).

Item 21. Follow-up to the World Conference on Human Rights

174. In its resolution 1997/69 the Commission on Human Rights requested the High Commissioner for Human Rights to continue to report on the measures taken and the progress achieved in the comprehensive implementation of the Vienna Declaration and Programme of Action. The Commission will have before it the report of the High Commissioner (E/CN.4/1998/104).

Report of the High Commissioner for Human Rights

175. The General Assembly in its resolution 48/141 of 20 December 1993 decided to create the post of the United Nations High Commissioner for Human Rights and, inter alia, requested the High Commissioner to report annually on his activities, in accordance with his mandate, to the Commission on Human Rights and, through the Economic and Social Council, to the General Assembly.

176. At its fifty-third session, the Commission, in its resolution 1997/68, took note with appreciation of the report of the United Nations High Commissioner for Human Rights and decided to continue the consideration of this question at its fifty-fourth session under the present agenda item.

177. In connection with the present item and with item 9 of the provisional agenda, the attention of the Commission is also drawn to a note by the High Commissioner transmitting the report of the meeting of special rapporteurs/representatives, experts and chairpersons of working groups of the special procedures of the Commission on Human Rights and of the advisory services programme, held in Geneva from 21 to 23 May 1997 (E/CN.4/1998/45).

Item 22. The question of conscientious objection to military service

178. At its fifty-first session, the Commission, in its resolution 1995/83, requested the Secretary-General to transmit the text of that resolution to all States Members of the United Nations and to include the right of conscientious objection to military service in the public information activities of the United Nations, including the United Nations Decade for Human Rights Education. The Secretary-General was also requested to submit to the Commission at its fifty-third session an update of the information provided in the annexes to the report by Mr. Asbjørn Eide and Mr. Chama Mubanga-Chipoya, entitled Conscientious Objection to Military Service (United Nations publication, Sales No. E.85.XIV.1), submitted to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its thirty-sixth session, taking into account information from Governments and non-governmental organizations and any further information available to him. The Commission

decided to consider this matter further at its fifty-third session under an agenda item with a new title: "The question of conscientious objection to military service".

179. At its fifty-third session, the Commission had before it the report of the Secretary-General prepared pursuant to resolution 1995/83 (E/CN.4/1997/99). In its decision 1997/117, the Commission decided to defer consideration of the question of conscientious objection to military service to its fifty-fourth session.

Item 23. Indigenous issues

180. In its decision 1996/102, the Commission on Human Rights decided to add a new agenda item, entitled "Indigenous issues", to its agenda.

A permanent forum for indigenous people

181. The Commission on Human Rights, in its resolution 1997/30, requested the High Commissioner to convene the second workshop on a permanent forum for indigenous people in the United Nations system for a period of three days prior to the fifteenth session of the Working Group on Indigenous Populations. The second workshop on a permanent forum was held in Santiago de Chile from 30 June to 2 July 1997. The Commission also requested the High Commissioner to transmit the report of the workshop to the Working Group, inviting it to express its views, and to submit the report, together with any comments arising from discussions in the Working Group, to the Commission at its forty-fourth session. The Commission will have before it the report of the workshop (E/CN.4/1998/11 and Add.1). The comments of the Working Group on Indigenous Populations are contained in paragraphs 109-124 of the report of the Working Group on Indigenous Populations on its fifteenth session (E/CN.4/Sub.2/1997/14).

Working group of the Commission on Human Rights to elaborate a draft declaration

182. In its resolution 1995/32, the Commission decided to establish an open-ended inter-sessional working group of the Commission with the sole purpose of elaborating a draft declaration, considering the draft contained in the annex to Sub-Commission resolution 1994/45, entitled "draft United Nations declaration on the rights of indigenous peoples". In its resolution 1997/31, the Commission recommended that the working group meet for 10 working days and submit a progress report to the Commission at its fifty-fourth session. The Economic and Social Council approved that decision in its resolution 1997/50. The working group met from 27 October to 7 November 1997. The Commission will have before it the report of the working group on its third session (E/CN.4/1998/106).

International Decade of the World's Indigenous People

183. The General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People commencing on 10 December 1994. In its resolution 50/157, the General Assembly adopted the Programme of Activities for the International

Decade of the World's Indigenous People as contained in the annex to the resolution and requested the Secretary-General to report on progress made at the national, regional and international levels to the General Assembly at its fifty-first session (see A/51/499). The Commission on Human Rights, in its resolution 1997/32, invited the High Commissioner for Human Rights to report to it at its fifty-fourth session. The Commission will have before it the report of the High Commissioner (E/CN.4/1998/107).

184. At its forty-ninth session, the Sub-Commission adopted resolutions 1997/10 (Permanent forum within the United Nations for indigenous peoples), 1997/12 (Study on indigenous land rights), 1997/13 (Protection of the heritage of indigenous people), 1997/14 (Working Group on Indigenous Populations), 1997/15 (International Decade of the World's Indigenous People) and decision 1997/110 (Study on treaties, agreements and other constructive arrangements between States and indigenous populations).

185. The attention of the Commission is also drawn to draft decisions 1, 2 and 3 relating to indigenous issues, recommended to the Commission for action, contained in chapter I of the report of the Sub-Commission on its forty-ninth session.

Item 24. Election of members of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

186. In accordance with Economic and Social Council resolution 1334 (XLIV) of 31 May 1968 and 1986/35 of 23 May 1986 and decisions 1978/21 of 5 May 1978 and 1987/102 of 6 February 1987, the Commission on Human Rights, at its forty-fourth session in 1988, elected 26 members of the Sub-Commission, as well as their alternates, from nominations of experts made by States Members of the United Nations on the following basis: seven members from African States; five members from Asian States; three members from Eastern European States; five members from Latin American States; six members from Western European and other States.

187. Pursuant to the procedure established in Council resolution 1986/35, members of the Sub-Commission were to be elected for a term of four years and half of its membership and the corresponding alternates, if any, were to be elected every two years.

188. As the term of office of half of the membership of the Sub-Commission has expired, the Commission is called upon to elect Sub-Commission members and alternates in accordance with the following pattern: three members from African States; three members from Asian States; one member from Eastern European States; three members from Latin American States; and three members from Western European and other States.

189. At its fifty-fourth session, the Commission will have before it a note by the Secretary-General (E/CN.4/1998/108 and addenda) containing the names and biographical data of the candidates nominated for election by Member States.

190. In its resolution 1997/22, the Commission reaffirmed that members of the Sub-Commission should discharge their functions in their personal capacity and

called upon States to nominate as members and alternates independent experts of recognized competence in the field of human rights, as well as to respect fully the independence of elected members and alternates. The Commission also requested States nominating candidates for the Sub-Commission to submit nominations sufficiently early to enable the members of the Commission to assess thoroughly the qualifications of the nominees. It may be recalled that the Sub-Commission, in its resolution 1987/32, drew the particular attention of the Commission on Human Rights to the recommendation of the Working Group on Contemporary Forms of Slavery that the Commission should try and prevail upon all Governments to nominate more women for election to the Sub-Commission.

191. The attention of the Commission is drawn to Economic and Social Council resolution 1983/32, by which the Council decided that, notwithstanding paragraph 2 of article 13 of the rules of procedure of the functional commissions of the Council, certain rules should henceforth apply to the Sub-Commission. Under these rules, the nomination of a candidate for membership of the Sub-Commission may be accompanied by a nomination of an expert of the same nationality, to be elected simultaneously with the candidate for membership, who may serve temporarily as an alternate if the member is unable to attend; the qualifications for alternates are to be the same as for members and no person may serve as an alternate for a member except the expert so elected.

Item 25. Draft provisional agenda for the fifty-fifth session of the Commission

192. Rule 9 of the rules of procedure of the functional commissions of the Economic and Social Council provides that, at each session of the Commission, the Secretary-General shall submit a draft provisional agenda for the Commission's subsequent session, indicating in respect of each agenda item the documents to be submitted under that item and the legislative authority for their preparation, in order to enable the Commission to consider the documents from the point of view of their contribution to its work and of their urgency and relevance in the light of the current situation.

193. The Commission will have before it, before the conclusion of the fifty-fourth session, a note for its consideration containing a draft provisional agenda for its fifty-fifth session, together with information concerning the corresponding documentation (E/CN.4/1998/L.1).

Item 26. Report to the Economic and Social Council on the fifty-fourth session of the Commission

194. Rule 37 of the rules of procedure provides that the Commission shall submit to the Council a report, which shall normally not exceed 32 pages, on the work of each session containing a concise summary of recommendations and a statement of issues requiring action by the Council. It shall as far as practicable frame its recommendations and resolutions in the form of drafts for approval by the Council.

Annex

LIST OF THEMATIC AND COUNTRY SPECIFIC PROCEDURES OF THE COMMISSION ON HUMAN RIGHTS (PREPARED IN ACCORDANCE WITH COMMISSION RESOLUTION 1997/37)

Country specific procedures

Afghanistan	Mr. Choong-Hyun Paik (Republic of Korea)	Special Rapporteur
Burundi	Mr. Paolo Pinheiro (Brazil)	Special Rapporteur
Cuba	Mr. Carl J. Groth (Sweden)	Special Rapporteur
Democratic Republic of the Congo (former Zaire)	Mr. Roberto Garretón (Chile)	Special Rapporteur
Equatorial Guinea	Mr. Alejandro Artucio (Uruguay)	Special Rapporteur
Iraq	Mr. Max van der Stoel (Netherlands)	Special Rapporteur
Iran (Islamic Republic of)	Mr. Maurice Copithorne (Canada)	Special Representative of the Secretary-General
Myanmar	Mr. Rajsoomer Lallah (Mauritius)	Special Rapporteur
Nigeria	Mr. Soli J. Sorabjee (India)	Special Rapporteur
Palestinian territories occupied since 1967	Mr. Hannu Halinen (Finland)	Special Rapporteur
Rwanda	Mr. Michel Moussalli (Switzerland)	Special Representative
Sudan	Mr. Gáspár Bíro (Hungary)	Special Rapporteur
Territory of the former Yugoslavia	Ms. Elisabeth Rehn (Finland)	Special Rapporteur

Thematic procedures

Contemporary forms of racism, racial discrimination and xenophobia	Mr. Maurice Glèlè-Ahanhanzo (Benin)	Special Rapporteur
Extrajudicial, summary or arbitrary executions	Mr. Bacre N'diaye (Senegal)	Special Rapporteur

Freedom of opinion and expression	Mr. Abid Hussain (India)	Special Rapporteur
Impact of armed conflict on children	Mr. Olara Otunnu (Côte d'Ivoire)	Special Representative
Independence of judges and lawyers	Mr. Param Cumaraswamy (Malaysia)	Special Rapporteur
Internally displaced persons	Mr. Francis Deng (Sudan)	Representative of the Secretary-General
Mercenaries	Mr. Bernales Ballesteros (Peru)	Special Rapporteur
Religious intolerance	Mr. Abdelfattah Amor (Tunisia)	Special Rapporteur
Sale of children, child prostitution and child pornography	Ms. Ofelia Calcetas-Santos (Philippines)	Special Rapporteur
Torture and other cruel, inhuman or degrading treatment or punishment	Mr. Nigel Rodley (United Kingdom of Great Britain and Northern Ireland)	Special Rapporteur
Illicit movement and dumping of toxic waste	Ms. Fatma Zohra Ksentini (Algeria)	Special Rapporteur
Violence against women, its causes and consequences	Ms. Radhika Coomaraswamy (Sri Lanka)	Special Rapporteur
Working Group on Arbitrary Detention	(Chairman: Mr. Kapil Sibal (India))	
Working Group on Enforced or Involuntary Disappearances	(Chairman: Mr. Ivan Tosevski (The former Yugoslav Republic of Macedonia))	

Technical cooperation programme

Cambodia	Mr. Thomas Hammarberg (Sweden)	Special Representative of the Secretary-General
Haiti	Mr. Adama Dieng (Senegal)	Independent expert
Somalia	Ms. Mona Rishmawi (Jordan)	Independent expert